

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAVIER ZAVALA,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
POLICE OFFICER	:	
NOAH ROBINSON, et al.,	:	No. 12-3527
Defendants.	:	

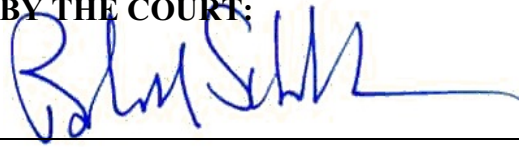
ORDER

AND NOW, this 12th day of **December, 2012**, upon consideration of Defendants Police Officer Noah Robinson and the Borough of South Coatesville's Motion to Dismiss Plaintiff's Complaint, Plaintiff's response thereto, and for the reasons provided in this Court's Memorandum dated December 12, 2012, it is hereby **ORDERED** that:

1. The motion (Document No. 8) is **GRANTED in part and DENIED in part**.
2. Plaintiff's Fifth Amendment, negligent hiring, and invasion of privacy claims are **DISMISSED with prejudice**.
3. Plaintiff's procedural due process, malicious prosecution, intentional infliction of emotional distress, and civil conspiracy claims are **DISMISSED without prejudice**.
4. The motion is **DENIED** as to Plaintiff's excessive force and *Monell* claims.
5. Plaintiff is barred from recovering punitive damages against the Borough of South Coatesville.
6. To the extent Plaintiff's Complaint includes claims against Officer Robinson in his official capacity, those claims are **DISMISSED with prejudice**.

7. Plaintiff shall file an Amended Complaint on or before January 7, 2013.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Berle M. Schiller", is written over a horizontal line.

Berle M. Schiller, J.